The interest of the NEA, and its reasons for asking leave to file a memorandum as *amicus curiae* are set forth in the accompanying memorandum.

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IN THE

Supreme Court of the United States

No. 71-249

THOMAS JUSTIN ORR,

Petitioner,

v.

RAYMOND E. TRINTER, et al.,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

MEMORANDUM OF THE NATIONAL EDUCATION ASSOCIATION AS AMICUS CURIAE IN SUPPORT OF THE PETITIONER

The National Education Association of the United States (NEA), upon motion, appears as *amicus curiae* in support of the petitioner.

INTEREST OF THE NATIONAL EDUCATION ASSOCIATION AS *AMICUS CURIAE* AND ITS REASONS FOR REQUESTING LEAVE TO FILE

NEA was founded in 1857 and chartered as a nonprofit corporation by act of Congress in 1906. Its membership includes more than one million professional educators, many of whom are nontenured teachers.

The purposes and objectives of NEA are generally to improve the character and to serve and advance the interests, welfare and professionalism of the teaching profession, as well as to promote effective education. A major goal of NEA is to help protect the rights and academic freedom of professional educators by guaranteeing procedural and substantive due process in matters pertaining to their appointment, promotion, dismissal and nonretention.

NEA has a special interest in the issue presented here—

> "Whether, consistent with the due process clause of the Fourteenth Amendment of the United States Constitution, a public educational institution's refusal to renew a non-tenured teacher's employment for another school year—resulting not only in the teacher's loss of that employment but also in the impairment of his professional reputation and opportunity to pursue his teaching profession elsewhere—may be accomplished without providing the teacher a statement of the reasons for non-renewal and a hearing thereon" (Pet. 2).[1]

Thus, NEA participated as *amicus curiae* before the Sixth Circuit in the present case, as well as in other federal and state court cases raising procedural due process issues similar to that in the present case. *See Drown v. Portsmouth School Dist.*, 435 F.2d 1182 (1st Cir. 1970), *cert. denied*, 91 S.Ct. 1659 (1971); *McDowell v. State of Texas*, Dkt. No. 30,363, 5th Cir. (pending on appeal *en banc*); *O'Neil v. Board of Educ.*, Dkt. No. 693-70, 10th Cir. (pending on appeal *en banc*); *Roth v. Board of Regents*, 40 U.S.L.W. 2060 (7th Cir. July 1, 1971), *affirming* 310 F. Supp. 972 (W.D. Wisc. 1970), *petition for cert. filed*, 40 U.S.L.W. 3069 (U.S. Aug. 3, 1971) (No. 71-162); *Fooden v. Board of Govs.*, 268 N.E.2d 15 (Ill. 1971), *modified upon denial of rehearing*, Mar. 31, 1971, *petition for cert. filed*, 40 U.S.L.W. 3002 (U.S. June 29, 1971) (No. 1901, *renumbered* No. 70-354).

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[1] "Pet." refers to the Petition for Certiorari in the present case.

In addition, the present case is the fourth one involving either procedural or substantive due process rights of non-tenured teachers in which NEA has appeared before this Court as *amicus curiae* to urge the granting of certiorari. *See Perry v. Sindermann*, 91 S.Ct. 2226 (1971), *granting cert. to* 430 F.2d 939 (5th Cir. 1970); *Fenton v. Boston School Comm.*, 91 S.Ct. 925 (1971), *dismissing appeal from and denying cert. to DeCanio v. School Committee of Boston*, 260 N.E.2d 676 (Mass. 1970); *Jones v. Hopper*, 397 U.S. 991 (1970), *denying cert. to* 410 F.2d 1323 (10th Cir. 1969).

Because NEA is an organization of professional educators and has been deeply involved in cases comparable to the present, it has gained special background, experience and competence which it desires to bring to bear on the issue raised by the present case.

For the foregoing reasons, NEA has requested leave of this Court to appear as *amicus curiae* in support of the petitioner.

REASONS FOR GRANTING THE WRIT

1. *The Conflict of Circuits.* Petitioner has analyzed the four-way conflict on the present issue among six federal courts of appeals (Pet. 10).[2] There is a vital need to resolve this split of authority. The procedural due process issue presented here is continually arising in cases involving the nonrenewal of nontenured teachers' contracts. Aside from

[2] *Compare* Orr v. Trinter, Pet. App. A, at 18-29 (6th Cir. June 16, 1971), *reversing* Pet. App. B., at 30-38 (S.D. Ohio 1970); Parker v. Board of Educ., 348 F.2d 646 (4th Cir. 1965), *affirming* 237 F. Supp. 222 (D. Md.), *cert. denied*, 382 U.S. 1030 (1966); Freeman v. Gould Special School Dist., 405 F.2d 1153 (8th Cir.), *cert. denied*, 396 U.S. 843 (1969); *with* Drown v. Portsmouth School Dist., 435 F.2d 1182 (1st Cir. 1970), *cert. denied*, 91 S.Ct. 1659 (1971); *with* Roth v. Board of Regents, Pet. App. C, at 39-54 (7th Cir. July 1, 1971), *affirming* 310 F. Supp. 972 (W.D. Wisc. 1970), *petition for cert. filed*, 40 U.S.L.W. 3069 (U.S. Aug. 3, 1971) (No. 71-162); *and with, e.g.*, Ferguson v. Thomas, 430 F.2d 852 (5th Cir. 1970); Sindermann v. Perry, 430 F.2d 934 (5th Cir. 1970), *cert. granted*, 91 S.Ct. 2226 (1971).

the conflict of authority already mentioned, NEA is aware of at least six additional cases now pending on appeal in the federal courts of appeals in which school authorities, without giving reasons or affording an administrative hearing, have refused to renew the contracts of nontenured teachers:

4th Cir: *Johnson v. Fraley*, Dkt. No. 71-1590

7th Cir: *Henson v. City of St. Francis*, Dkt. Nos. 71-1120 & 71-1121; *Shirck v. Thomas*, Dkt. No. 18,790

8th Cir: *Long v. St. Louis Bd. of Educ.*, Dkt. No. 69 C 443; *Thomas v. Kirkwood Commun. School*, Dkt. No. 71-1058

10th Cir: *O'Neil v. Board of Educ.*, Dkt. No. 693-70

Many similar cases are now pending in the federal district and state courts. Petitioner speculated that the present issue "is posed in literally dozens (perhaps hundreds) of cases now pending in the federal and state judicial systems" (Pet. 9), and cited "ten other pending cases" in "Ohio alone" (Pet. 9 n.15).

Petitioner's estimate of "hundreds" of cases is closer to the mark. On July 30, 1971, NEA sent out a questionnaire to 150 attorneys who have been active in federal and state cases involving the constitutional rights of teachers. The attorneys were requested to report on all pending federal and state cases that they were handling or were aware of, in which nontenured teachers had complained of their having been terminated from their employment without having been informed of the reasons for the action or having been afforded an administrative hearing prior to termination. As of the date of this Memorandum, 57 of the attorneys have reported that 68 federal district court cases and 32 state court cases raise issues similar to that presented in the instant case. The names of the 100 cases, their jurisdictions and docket numbers are set forth in the Appendix to this Memorandum. Obviously, these 100 cases are only a portion of the many such cases now pending before the courts.

Unless certiorari is granted in the present case so that the decisional conflict on the procedural due process issue may be resolved, there is bound to be an increasing flow of petitions to this Court for review of the very same issue. As stated by the petitioner: "Manifestly, the present chaos in an area of such widespread importance is intolerable" (Pet. 11).

2. *The Confusion Caused by Decisions of this Court.* Certiorari is also warranted in the present case in order to resolve the confusion stemming from three contradictory lines of authority developed by this Court with respect to procedural due process (*see* Pet. 12). *Compare Slochower v. Board of Higher Educ.*, 350 U.S. 551 (1956), *with Vitarelli v. Seaton*, 359 U.S. 535 (1959), *and with Cafeteria & Restaurant Workers Union v. McElroy*, 367 U.S. 886 (1961).

The Sixth Circuit's decision that a teacher's contract may be terminated without reasons or a hearing conflicts with the *Slochower* line of authority. In *Slochower*, a university professor had been summarily dismissed under a New York City charter provision. This Court reversed the dismissal of the complaint (*id.* at 559) on the ground that there had "not been the 'protection of the individual against arbitrary action' which Mr. Justice Cardozo characterized as the very essence of due process. Ohio Bell Telephone Co. v. Public Utilities Commission, 301 U.S. 292, 302...." The Court held that "summary dismissal of appellant violated due process of law" (350 U.S. at 559). In so holding, this Court explained (*id.*):

> "This is not to say that Slochower has a constitutional right to be an associate professor of German at Brooklyn College. The State has broad powers in the selection and discharge of its employees, and it may be that proper inquiry would show Slochower's continued employment to be inconsistant with a real interest of the State. *But there has been no such inquiry here*" (emphasis added).[3]

[3] *Accord*, Thorpe v. Housing Authority, 386 U.S. 670, 678 (1967), (Douglas, J. concurring): "Over and over again we have stressed that 'the

Subsequently, in *Goldberg v. Kelly*, 397 U.S. 254 (1970), the Supreme Court relied upon *Slochower* as a guide to its decision that a recipient of welfare benefits has a constitutional right to advance notice and an administrative hearing *prior* to the termination of such benefits.[4] *Accord, Wheeler v. Montgomery*, 397 U.S. 280 (1970). As the Court in *Goldberg* observed: "Relevant constitutional restraints apply as much to the withdrawal of public assistance benefits as to . . . discharge from public employment" (397 U.S. at 262). Correlatively, if a welfare recipient, who performs no service for the state in return for his benefits, is entitled to a pre-termination hearing, surely a teacher, such as Thomas Orr, who provides a valuable service to the state, should have at least an equivalent right.[5]

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nature and the theory of our institutions of government, the principles upon which they are supposed to rest . . . do not mean to leave room for the play and action of purely personal and arbitrary power' (*Yick Wo v. Hopkins*, 118 U.S. 356, 369-370) and that the essence of due process 'is the protection of the individual against arbitrary action.' *Ohio Bell Telephone Co. v. Public Utilities Comm'n*, 301 U.S. 292, 302; *Slochower v. Board of Education*, 350 U.S. 551, 559."

[4]Neither the Court nor the parties questioned whether a welfare recipient had a constitutional right to a trial-type hearing at all. They all assumed that a dispute over continuing eligibility had to be submitted to a hearing at some time, the only question being at what stage of the termination process. For a discussion of the question of the timing of the hearing, *see* O'Neil, *Of Justice Delayed and Justice Denied: The Welfare Prior Hearing Cases*, 1970 Sup. Ct. Rev. 161, 168-75.

[5]This was the thrust of a recent concurring opinion of Judge Skelton in Ricucci v. United States, 425 F.2d 1252, 1257 (Ct. Cl. 1970), who, joined by Judge Collins, noted that the private interest affected by the termination of welfare benefits without a hearing in *Goldberg* was comparable in scope to the private interest affected by a discharge of a government employee without a hearing, and that consequently the government employee had been denied his right to procedural due process.

Recently, in *Bell v. Burson*, 91 S.Ct. 1586 (1971), and in *Connell v. Higginbotham*, 91 S.Ct. 1772 (1971), this Court again had occasion to reaffirm the principles it previously established in *Slochower*. In *Bell*, the Court invalidated Georgia's procedure for suspending drivers' licenses. In so doing, the Court characterized the procedural due process rights of public employees by reference to *Slochower* (*id.* at 1589):

> "In such cases the licenses are not to be taken away without that procedural due process required by the Fourteenth Amendment.... This is but an application of the general proposition that relevant constitutional restraints limit state power to terminate an entitlement whether the entitlement is denominated a 'right' or 'privilege'.... Slochower v. Board of Higher Education, 350 U.S. 551 (1956) (discharge from public employment)...."

In *Connell*, a substitute grade school teacher was dismissed for refusing to sign a loyalty oath required of all Florida public employees. The second part of the loyalty oath had stated "' that I do not believe in the overthrow of the government of the United States or of the State of Florida by force or violence'" (91 S.Ct. at 1773). The Court, citing *Slochower*, held that "[t]he second portion of the oath, approved by the District Court, falls within the ambit of decisions of this Court proscribing summary dismissal from public employment without hearing or inquiry required by due process" (*id.*).

The nonrenewal of petitioner Orr's teaching contract falls within the ambit of the *Slochower*-line of decisions proscribing summary termination of public employment without procedural due process. The Sixth Circuit, however, placed its reliance on the *Vitarelli*-line of authority, which purports to take an approach diametrically opposed to that in *Slochower* (*see* Pet. App. A, at 28).

In *Vitarelli*, this Court in dicta observed that the petitioner, an Interior Department employee, "could have been summarily discharged by the Secretary at any time without

the giving of a reason . . ." (359 U.S. at 539). This Court in *Cafeteria Workers*, citing *Vitarelli*, confirmed this principle (367 U.S. at 896):

> "The Court has consistently recognized that . . . the interest of a government employee in retaining his job . . . can be summarily denied. It has become a settled principle that government employment, in the absence of legislation, can be revoked at the will of the appointing officer."

Cafeteria Workers, however, has been relied upon for another approach to procedural due process which constitutes a midground between *Slochower* and *Vitarelli*. In *Cafeteria Workers*, the Court formulated a so-called "balancing test" to determine the requirements of procedural due process (367 U.S. at 895):

> "[C]onsideration of what procedures due process may require under any given set of circumstances must begin with a determination of the precise nature of the government function involved as well as of the private interest that has been affected by governmental action."

In view of the apparent contradiction among this Court's three separate lines of authority—*Slochower*, *Vitarelli* and *Cafeteria Workers*—certiorari is necessary to dispel the current confusion and to rectify the current situation in which a conflict of circuits in cases involving the nonrenewal of a nontenured teacher's contract is perpetuated by the various federal courts of appeals relying upon this Court's different and contradictory lines of authority.

3. *The Need for Resolving the Procedural Due Process Issue.* There is also an urgent need for resolving the present conflict of circuits because of the serious consequences of denying procedural due process to nontenured teachers.

To permit school authorities to withhold their reasons for failing to renew a teacher's contract and to deny the teacher a pre-termination administrative hearing is to invite the authorities to cover up constitutional violations, including

reprisals for the exercise of First Amendment and other rights protected by the Constitution,[6] racial, religious or other invidious discrimination,[7] and determinations wholly without reason or for undisclosed reasons arbitrary on their face or wholly without any factual basis.[8]

To deny procedural due process to the teacher is to permit school authorities to injure the teacher's reputation and career by decisions based upon false rumor or otherwise resting on a mistaken point of fact. In *Chase v. Fall Mt. Reg. School Dist.*, C. A. No. 3112, D.N.H., July 28, 1971, a nontenured teacher's contract was not renewed "on the basis of uninvestigated complaints and unverified rumors" relating to the purported sexual misconduct of the teacher with several of his students (Slip Op. 21). The court found that "[t]he implications of such a decision" to terminate a contract on such basis "are frightening" *(id.)*. The court explained (*id.* at 21-22):

> "It means that any student with a personal dislike for a teacher could bring his career to an end by a complaint wholly unjustified and unsubstantiated in fact. In the same sense, a malicious group in the community could start unsubstantiated rumors resulting in dismissal. Further, an administrator or another teacher bent on a personal vendetta could, by insidiously starting false rumors, bring about the dismissal of a totally innocent teacher."

The court held that the nonrenewal of the teacher's contract was arbitrary and capricious, and therefore a violation of

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[6] *See, e.g.*, Pickering v. Board of Educ., 391 U.S. 563, 568 (1968); Keyishian v. Board of Regents, 385 U.S. 589, 605, 606 (1967).

[7] *See, e.g.*, Johnson v. Branch, 364 F.2d 177, 182 (4th Cir. 1966), *cert. denied*, 385 U.S. 1003 (1967); Rolfe v. County Bd. of Educ., 391 F.2d 77, 79 (6th Cir. 1968), *affirming* 282 F. Supp. 192 (E.D. Tenn. 1966).

[8] *See, e.g.*, Lucas v. Chapman, 430 F.2d 945, 948 (5th Cir. 1970); *cf.* Garner v. Louisiana, 368 U.S. 157, 163 (1961); Schware v. Board of Bar Examiners, 353 U.S. 232, 238-39 (1957).

substantive due process. Its reasoning persuasively supports the need for procedural due process as well.

Vital *public* as well as private interests are served by requiring procedural due process in teacher termination cases. As the Fifth Circuit stated in *Hornsby v. Allen*, 326 F.2d 605, 609-10 (1964):

> "The public has the right to expect its officers to observe prescribed standards and to make adjudications on the basis of merit. The first step toward insuring that these expectations are realized is to require adherence to the standards of due process; absolute and uncontrolled discretion invites abuse."

Procedural due process is especially important in the academic context, where its absence is detrimental to academic excellence. The lack of procedural safeguards inevitably has a "chilling effect" upon the teaching community. If a school system is free to terminate a teacher's employment without affording him a readily available opportunity to defend himself in a fair hearing, few in the academic community will be willing to indulge in "that free play of the spirit which all teachers ought especially to cultivate and practice. . . ." *Wieman v. Updegraff*, 344 U.S. 183, 195 (1952) (concurring opinion); *see, e.g., Pickering v. Board of Educ.*, 391 U.S. 563, 574 (1968); *Shelton v. Tucker*, 364 U.S. 479, 487 (1960). As President Charles W. Eliot of Harvard stated in his 1907 Phi Beta Kappa address on *Academic Freedom* (at 2): "[S]o long as . . . boards of trustees of colleges and universities claim the right to dismiss at pleasure all the officers of the institutions in their charge, there will be no security for the teachers' proper freedom. . . ."[9]

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[9]Quoted by Hofstadter & Metzger, *The Development of Academic Freedom in the United States* 398 (1955). *See also* Van Alstyne, *The Constitutional Rights of Teachers and Professors*, 1970 Duke L.J. 841, 869 ("[P]rotection of individual teachers is critical to protect the *public* interest in teaching, research, investigation, publication and education itself and . . . procedural due process for teachers is critical to the *public* stake in intellectual pluralism and the advancement of knowledge.").

CONCLUSION

For the foregoing reasons, this Court should grant the petition for a writ of certiorari. Moreover, since the procedural issue presented here—whether a nontenured teacher who has no basis for knowing the reasons for the nonrenewal of his contract is entitled to a pre-termination administrative hearing—is closely related to, but nevertheless different from, the procedural issue presented in *Perry v. Sindermann*, 91 S.Ct. 2226 (1971) (granting cert.)—whether a nontenured teacher, who claims that the nonrenewal of his contract was motivated by the desire of the school authorities to retaliate against him for exercising his First Amendment rights, is entitled to a pre-termination administrative hearing—this Court should set the present case for oral argument jointly with the *Perry* case (*see* Pet. 16-17).

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September 1, 1971.

APPENDIX

PENDING FEDERAL DISTRICT COURT AND STATE COURT CASES IN WHICH NON-TENURED TEACHERS HAVE COMPLAINED OF THEIR HAVING BEEN TERMINATED FROM THEIR EMPLOYMENT WITHOUT REASONS OR HEARING[1]

I. FEDERAL DISTRICT COURT CASES

D. Conn.:	Pavlak v. Duffy, C.A. No. 13436
D. Del.:	Conway v. Alfred I. DuPont School Dist., C.A. No. 4017-1970
D. Del.:	Faulkner v. Woodbridge School Dist., C.A. No. 4018-1970
D. Del.:	Hayes v. Cape Henlopen School Dist., C.A. No. 4019-1970
D. D.C.:	Cardinale v. Washington Tech, Inc., C.A. No. 1052-1971
M.D. Fla.:	Stevenson v. Allen, No. 70-33 Civ. T.
N.D. Fla.:	Kirshner v. University of W.Fla., P.C.A. No. 2356
N.D. Ga.:	Bhargave v. Cloer, C.A. No. 15194
N.D. Ga.:	Callaway v. Kirkland, C.A. No. 13997
N.D. Ga.:	Dickey v. Cartersville School Board, C.A. No. 2308
S.D. Ga.:	Sweat v. Jackson, C.A. No. 2827
N.D. Ill.:	Allmon v. Tampico Commun. Unit Dist. No. 4, C.A. No. 71 C 28
N.D. Ill.:	Miller v. School Dist. No. 167, C.A. No. 71 C 1109
N.D. Ill.:	Patt v. Giles & Leigh Public School Dist. No. 80, C.A. No. 69 C 1588 (settled)*

[1] Also included are cases which were decided or settled during 1971. These cases are designated by an asterisk at the end of the citation.

N.D. Ill.:	Wilson v. Board of Educ. of School Dist. No. 152, C.A. No. 70 C 2072
N.D. Ind.:	Orwin v. Warren Central Consol., C.A. No. 71 L 18
S.D. Ind.:	Drexler v. Southwest Dubois School Corp., C.A. No. EV 71-C-53
S.D. Ind.:	Ross v. Delaware Metro. School Dist., C.A. No. IP 71-C-395
D. Kan.:	Endicott v. Van Petten, C.A. No. W-4432
D. Kan.:	Keiffer v. Cloud County Commun. Jr. Coll., C.A. No. W-4571
D. Kan.:	Petrullo v. McCain, C.A. No. T-4850
E.D. Ky.:	Arnold v. Bondurant, C.A. No. 371
E.D. Ky.:	Turner v. Porter, C.A. No.____
W.D. Ky.:	Dause v. Bates, C.A. No.____
D. Me.:	Tonsath v. Gallagher, C.A. No. 12-121
D. Mass.:	Tardiff v. Southbridge, C.A. No.____
E.D. Mich.:	Eady v. Nyquist, C.A. No. 33215
E.D. Mich.:	Gaskin v. St. Clair County Commun. Coll. Bd. of Trustees, C.A. No. 34708 (settled)*
E.D. Mich.:	Michigan Educ. Ass'n v. Lewis, C.A. No. 32473
E.D. Mich.:	Michigan Educ. Ass'n v. Tyler, C.A. No. 32472
E.D. Mich.:	Swartz Creek Teacher's Ass'n v. Swartz Creek Commun. School, C.A. No. 454 (settled)*
W.D. Mich.:	McClellan v. Drevdahl, C.A. No. 1198 (settled)*
D. Minn.:	Hellie v. Rambow, No. 4-70-Civ. 308
N.D. Miss.:	Armstead v. Starkville Mun. Sep. School Dist., C.A. No. EC 70-51-S, July 27, 1971 (juris. retained)*
W.D. Mo.:	Birdwell v. Board of Educ. of Hazelwood School Dist., C.A. No. 71 C 337(4)
W.D. Mo.:	Dougherty v. Curators of U. of Mo., C.A. No. 1678
W.D. Mo.:	Geringer v. Center School, C.A. No. 18515-2

W.D. Mo.:	McKinley v. Joplin School Dist., C.A. No. 2195 (consent decree)*
W.D. Mo.:	Reed v. Board of Educ. of Parkway School Dist., C.A. No. 70 C 585(1)
W.D. Mo.:	Wilson v. Pleasant Hill School Dist., C.A. No. 18501-4*
D. Mont.:	Busch v. High School Dist. No. 1 of Big Horn County, C.A. No. 944
W.D. N.Y.:	Infantino v. Thompson, C.A. No. 1971-117
W.D. N.Y.:	Russo v. Central School Dist. No. 1, C.A. No. 1970-425
E.D. N. Car.:	Bridgeman v. Perry, C.A. No. 631 (settled)*
W.D. N. Car.:	Still v. Lance, C.A. No. 3225
N.D. Ohio:	George v. Conneaut Bd. of Educ., C. 70-398
N.D. Ohio:	Hamrick v. Washington Local School Dist., C. 71-166
N.D. Ohio:	Lewandowski v. University of Toledo, C. 71-167, July 7, 1971 (dismissed)*
N.D. Ohio:	LuKase v. Acocks, C. 71-146
N.D. Ohio:	Patrone v. Howland Local Schools Bd. of Educ., C. 70-819
N.D. Ohio:	Poddar v. Youngstown State Univ., C. 71-227
S.D. Ohio:	Brown v. Mt. Healthy City School Dist. Bd. of Educ., C.A. No. 8045
S.D. Ohio:	Doughty v. Columbus Bd. of Educ., C.A. No. 70-181
S.D. Ohio:	Doyle v. Mt. Healthy City School Dist. Bd. of Educ. C.A. No. 8044
S.D. Ohio:	Fannin v. Nestor, C.A. No. 70-176
S.D. Ohio:	Fass v. Mt. Healthy City School Dist. Bd. of Educ., C.A. No. 8043
E.D. Tenn.:	Erwin v. Neal, C.A. No. 2542
E.D. Tex.:	Harris v. Harvey, C.A. No.____

S.D. Tex.:	Bates v. Silverton Ind. School Dist., C.A. No.____
S.D. Tex.:	Campbell v. Masur, C.A. No.____
D. Utah:	Smith v. Losee, C.A. No. C-283-69
E.D. Va.:	Smith v. Lively, C.A. No. 126-70 NN
W.D. Wisc.:	Cecil v. Joint School Dist. No. 1, C.A. No. 69-C-163 (EC)
W.D. Wisc.:	Collins v. Joint School Dist. No. 1, C.A. No. 69-C-162 (EC)
W.D. Wisc.:	Culross v. Weaver, C.A. No. 71-C-75
W.D. Wisc.:	Rieck v. Area Voc. Tech., C.A. No. 71-C-238
W.D. Wisc.:	Schauf v. Unified Jt. School Dist. No. 1, C.A. No. 69-C-164 (W)
W.D. Wisc.:	Stevens v. Joint School Dist. No. 1, C.A. No. 71-C-180

II. STATE COURT CASES

Alaska:	Johnston v. Eckert, No. 71-187, Super. Ct., July 30, 1971,* appeal pending, Sup. Ct.
Alaska:	Nichols v. Eckert, No. 71-187, Super. Ct., July 30, 1971,* appeal pending, Sup. Ct.
Alaska:	Psenak v. Mat-Su Boro. School Dist., No. 71-2291, Super. Ct.
Alaska:	Van Gorder v. Mat-Su Boro. School Dist., No. 71-2291, Super. Ct.
Arizona:	Sinclair v. Pima College, No. 125918, Super. Ct., Pima County
Arizona:	Stautz v. Central College, No.____, Super. Ct., Pinal County
Colorado:	Herr v. School Dist. No. 32, No. 71-189, Ct. App.
Colorado:	Frank v. Arapahoe County School Dist. No. 6, No. 28854, Dist. Ct., Arapahoe County
Colorado:	Hoschouer v. School Dist. No. 6, No. 21384, Dist. Ct., Weld County

Florida:	Landry v. Board of Pub. Instr., No. 193059, Cir. Ct., Hillsborough County
Indiana:	Tilton v. Southwest School Corp., No. 38503, Cir. Ct., May 11, 1971,* appeal pending, Sup. Ct.
Indiana:	Bausman v. South Newton School Corp., No. C71-133, Cir. Ct., Newton.
Indiana:	Doran v. Western Boone County School Corp., No. C-1-35607, Cir. Ct., Montgomery, July 20, 1971*
Kansas:	United School Dist. No. 334 v. Foos, No. 14, 401, Dist. Ct., Cloud County
North Carolina:	Still v. Lance, No. 7128 SC 287, Sup. Ct., July 24, 1971*
Rhode Island:	Sharkey v. Exeter-West Greenwich School Dist., No._____; Super. Ct.
Rhode Island:	Smith v. Exeter-West Greenwich School Dist., No._____, Super. Ct.
Tennessee:	Tennessee *ex rel.* Underwood v. Adams, No._____, Sup. Ct.
Texas:	Hix v. Tuloso-Midway, No. 99029-A, 28th Dist. Ct., Neucas County
Vermont:	Petition of Charles Baker, No. 119-70, Sup. Ct.
Vermont:	Petition of Susan Carpenter, No. 120-70, Sup. Ct.
Vermont:	Petition of John Davenport, No. 118-70, Sup. Ct.
Washington:	Abbey v. Everett School Dist. No. 2, No. 107598, Super. Ct., Snohomish County
Washington:	Boyle v. Renton School Dist. No. 403, No. 740848, Super. Ct., King County
Washington:	Bunnell v. Granite Falls Pub. School Dist., No. 107486, Super. Ct., Snohomish County
Washington:	Brand v. North Thurston School Dist. No. 3, No. 43076, Super. Ct., Thurston County

Washington:	Francisco v. Board of Dir. of Bellevue Pub. School Dist. No. 405, No. 733677, Super. Ct., King County
Washington:	Leuthy v. Granite Falls Public School Dist., No. 107484, Super. Ct., Snohomish County
Washington:	Mateer v. Board of Dir. of Spokane School Dist. No. 81, No. 202104, Super Ct., Spokane County
Washington:	McNeely v. Granite Falls Pub. School Dist., No. 107485, Super. Ct., Snohomish County
Washington:	McNulty v. Cohn, No. 106113, Super. Ct., Snohomish County
Washington:	Peters v. South Kitsap School Dist., No. 56412, Super. Ct., Kitsap County